
Appeal Decision

Site visit made on 24 July 2024

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2024

Appeal Ref: APP/Y2620/D/23/3334335

The Limes, London Street, Brancaster, Norfolk PE31 8AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Ainscough against the decision of King's Lynn and West Norfolk Borough Council.
 - The application Ref is 23/01468/F.
 - The development proposed is described as "create opening within front boundary wall and rebuild set back into site to provide off road parking to allow for electric vehicle charging."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the revised version.
3. In addition, on 30 July 2024 the Government published a consultation on proposed reforms to the Framework and made a written ministerial statement titled "Building the homes we need". While these can only be given limited weight at this stage, the appeal scheme does not propose the provision of housing and those parts of the Framework most relevant to this appeal are not proposed for amendment.
4. I therefore consider that there is no requirement for me to seek further submissions in respect of these matters and I am satisfied that no party's interests would be prejudiced by my taking this approach.
5. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became National Landscapes (NL). The legal designation and policy status of AONBs are unchanged. I have therefore used the NL description even where the AONB description is directly cited.
6. As the appeal site is within a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The Council refer to Policy 10 of the Brancaster Parish Neighbourhood Plan 2015 (NP) within the reason for refusal, but this policy does not exist within the NP. However, the evidence submitted, when referring to NP Policy 10, uses the

title and wording from NP Policy 9, which, among other things, references the NL. I am therefore satisfied that reference to NP Policy 10 is a typo. For clarity, I have referred to NP Policy 9 within my decision.

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the area, with regard to the Brancaster Conservation Area (CA) and the Norfolk Coast NL.

Reasons

9. The appeal site is located on London Street, which lies within Brancaster CA, and comprises a two storey detached dwelling, known as The Limes. As identified by the Brancaster Conservation Area Character Statement (CS), London Street lies within the traditional core of the village, where there is a mix of cottages, terraces and larger houses, mostly on the pavement edge, with many buildings linked by boundary walls.
10. Most of the village's character is drawn from the use of traditional and locally derived walling and roofing materials, which includes cobbled flint. The significance of the CA, insofar as it relates to this appeal, is derived from the tightly enclosed street scene and the use of limited and largely locally derived materials.
11. The Limes is recognised in the CS as a non-designated heritage asset, which contributes towards the character and appearance of the CA. The appeal proposal relates to the wall adjacent to The Limes, located along the front boundary of the appeal site and immediately adjoining the back edge of the pavement. The evidence indicates that this wall is one of the last remaining sections of wall adjacent to the road that has been unaltered. It is an attractive, historic and traditional flint wall of notable height, with coping detail and a sweeping curve which meets an adjacent pillar. The wall, by reason of its largely unaltered appearance, height, design, prominent siting, and materials of construction, contributes towards the significance of the CA.
12. The appeal scheme seeks to demolish and rebuild the wall in a different position, to create two off-street parking spaces and install an electric vehicle charging point. While noting there are a mix of boundary treatments in the area, the loss of one of the last remaining sections of unaltered wall adjacent to the road would undermine the significance of the CA.
13. The wall's new alignment would be some distance from the back edge of the pavement. Moreover, while the rebuilt wall would be constructed using materials from the original wall, the curved feature, including its height, would not be replicated. Therefore, the siting, design and height of the rebuilt wall would erode the tightly enclosed street scene and diminish the wall's prominence.
14. Consequently, the appeal scheme would fail to preserve or enhance the character or the appearance of the Brancaster CA as a whole and would result in harm to the significance of the designated heritage asset.
15. As required by paragraph 205 of the Framework, great weight should be given to the conservation of a designated heritage asset, irrespective of the amount

of harm identified. In this case, I consider that the harm to the significance of the heritage asset is less than substantial.

16. Paragraph 208 of the Framework states that if a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, then this harm should be weighed against the public benefits of the proposal.
17. The appellant asserts that the village suffers significantly with parking issues and the appeal proposal would help to 'free up' the street, resulting in a visual enhancement, and reduce parking issues. Furthermore, the appellant highlights the Parish Council actively supports the proposal, as they consider it would positively contribute to solving some of the area's parking problems. While modest, the provision of two off-street parking spaces would help to reduce parking issues in an area where there are relatively high levels of on-street parking.
18. The provision of an electric vehicle charging point would primarily be for the benefit of the appellant, who asserts that such a provision would comply with Policy CS08 of the King's Lynn and West Norfolk Borough Council Local Development Framework Core Strategy 2011 (CS). However, it is recognised that there is a wider public benefit in promoting the use of environmentally friendly vehicles and reducing CO² emissions.
19. Consequently, while there are public benefits associated with the proposed development, these are modest and therefore insufficient to outweigh the great weight I must attach to the harm I have identified to the significance of the designated heritage asset.
20. Paragraph 182 of the Framework requires, among other things, that great weight should be given to conserving and enhancing landscape and scenic beauty in NL, which have the highest status of protection in relation to these issues. NP Policy 9 also seeks to ensure development does not adversely affect the statutory purposes of the NL.
21. The appellant asserts that the proposed development would not impact upon Barrow Common, the natural environment or wildlife, as the works relate to the street wall removal and its reconstruction. However, the protection of the landscape and scenic beauty of the NL applies across the whole of its designation. Given that the appeal scheme would erode the traditional built character of the CA along London Street, it would, therefore, fail to conserve or enhance the landscape and scenic beauty of the NL.
22. For these reasons, I conclude that the proposed development would not preserve or enhance the character or the appearance of Brancaster CA as a whole and would have a harmful impact upon the character and appearance of the NL. As such, the appeal scheme is contrary to CS Policies CS06, CS08 and CS12, Policy DM15 of the Site Allocations and Development Management Policies Plan 2016 and NP Policies 2, 8 and 9. Collectively, these seek, among other things, to ensure development proposals protect and enhance the historic environment and landscape character, maintain the character of the village and do not adversely affect the statutory purposes of the NL.
23. The development is also contrary to the Framework which seeks to ensure development conserves and enhances the historic environment and landscape and scenic beauty in the NL.

Other Matters

24. The appellant states that the appeal scheme would not affect the neighbouring uses or their occupants in respect of overlooking, overbearing, overshadowing, noise, odour, air quality, light pollution, contamination or water quality. They further highlight that the Council have not raised any concerns in respect of these matters. In addition, it is noted that safe access can be provided, with no objections received from the Highway Officer. An absence of harm in respect of these matters carries neutral weight which neither weighs for or against the proposal.

Conclusion

25. For the reasons given, the proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Consequently, I conclude the appeal should be dismissed.

S Pearce

INSPECTOR